

APPROVED: Meeting No. 26-84

ATTEST: *Helen M Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 22-84

July 9, 1984

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 8:00 p.m. on Monday, July 9, 1984, at 8:00 p.m.

PRESENT

Mayor John K. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman John Tyner, II

ABSENT

Councilwoman Viola Hovsepian

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow; City Clerk Helen Heneghan.

Re: City Manager's Report

Mr. Blick reported the following:

1. The bids on the extension of First Street have gone out. There will be a pre-bid conference on July 18 and the bid should be awarded at the August 13 Council meeting. Due to the winter construction schedule the road should be open to the public in May.

2. The preliminary reports from the swim center show gross revenues of \$590,000, a 46.7 percent increase over 1983 revenues. Projections show an excess of revenue over expenditures close to \$100,000. At that rate when debt services is factored in next year, the swim center will break even.

3. Bob Mateer, Senior Center Supervisor, is extremely ill at Holy Cross Hospital with cancer. Prayers are asked for his recovery.

4. A new petition requesting speed bumps on South Adams Street has been received. It is signed by two thirds of the households according to the Mayor and Council policy. The Mayor asked what the time schedule would be for installation. The City Manager said they should be in place in August or September. The Mayor asked that a date be set no later than September 15.

5. The State Highway Administration has approved a signal for the Rockville Pike and Templeton intersection. It will be implemented soon after June 1. The Veirs Mill Ramp opened July 5. Metro is beginning construction of the screening berm between Twinbrook east parking lot and properties along Halpine Road. The new signal is in operation at Rt. 355 and North Campus Drive. Street light installation has been completed on West Ritchie Parkway. Councilman Abrams asked if any comment has been received from the State Highway Administration concerning the traffic light installations on Falls Road and Veirs Kersey or the Rockville Pike at Talbott or the Veirs Mill at Broadwood intersection. Mr. Goodman said there is no word at this time. Councilman Abrams said he did not quite understand why action has been so fast on Templeton and so slow at other places. This is a concern to him. He asked that this be pointed out in a letter to the State Highway Administration.

Mayor Freeland praised the successful campaign on the installation of the flag at the F. Scott Fitzgerald Triangle - the Raise The Flag Campaign. He commended the staff who supported the efforts of the Post #86 American Legion. He said he has received great comments and compliments and it would seem it was the right thing to do at the right time giving all people a renewed spirit as they drive by.

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Re: Presentation to
establish Rockville
Rotary Recreation
Scholarship fund

Ron Olson told the Council that the Memorial Day Rotary 5K and One Mile Fun Run conducted by the Road Runners club was a great success and netted \$3,000. He introduced Tom Rosansky, John Bissala, Denny Steinauer of the Road Runners Club, present this evening. The check for \$3,000 was given to the City to establish a scholarship fund that will assist underprivileged youth in Rockville in participating in City recreation and park programs. The Mayor commended the Road Runners for their efforts. The race was sponsored by the Rockville Rotary Club and present this evening are Bill Fox, Tony Bullard and Pat Woodward. The Mayor thanked all present this evening for their strong interest in the City and its citizens.

Mayor Freeland introduced visitors from Pinneberg, Germany, who are here for the summer staying with Rockville residents. The young men addressed the gathering and told of their enjoyment and pleasure at this opportunity to spend some time in their sister city. The young men are GÖtz VonClausnapp, Christopher Schwartz, and Sönke Lehnard.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wish to address the Mayor and Council.

1. Leah Barnett, 19 Orchard Way North. Mrs. Barnett said she has learned the City of Rockville is cooperating with Richard Montgomery in the installation of lights for night football beginning in September. She said Wootton High School is also planning to install lights and has raised \$10,000 towards the cost of the project. She has letters from the Rockshire and Fallsmead Civic Association supporting this idea. She asked the City make the same arrangements with Wootton as they have with Richard Montgomery. The Mayor said it was the

Mayor and Council's decision to help the three high schools in equal fashion. Richard Montgomery initiated the request and were funded right away with the understanding that the Booster club will pay back half of the grant given. The same amount will be put in the budget for the other two schools when they come forward with a project that will have community benefit. All of the funds could not be put in in one budget year but in the next cycle the dollars will be available for one of the other schools who comes forward with a project. Mrs. Barnett asked him if the school could have a letter of intent from the Mayor and Council. The Mayor said a letter should have been sent by now to the schools, if not it will be, explaining the City's position on the matter. He suggested the three PTAs might get together to see how they might collaborate. Mrs. Barnett said it was the Boosters Club that was active in this matter and she would see what could be done.

2. Jerome Leszkiewicz, president of the Woodley Gardens Homeowners Association. Mr. Leszkiewicz said for the first time he viewed Fourth of July fireworks from inside Richard Montgomery stadium and noted that there are only two gates for people to enter and depart. It took him twenty minutes to leave the field and suggested there be more exits in case of a disaster.

He said his civic association was surprised at the news of the Mayor's recent employment and they are not sure what to make of it and it might not be as simple as it seems. He asked the issue be adequately explored to be careful of how city business is conducted.

He said the civic association discussed the Hard Times Cafe at a well-represented meeting. It was not a very large turn out. There were 27 who supported the license for the cafe and nine who opposed it. He feels the lack of strong opposition shows that people see the need to revitalize the center.

3. Regina McAndrew, 206 West Montgomery Avenue. Ms. McAndrew said there is a lot of discussion in her neighborhood concerning the Mayor's new job.

There is a rumor that a petition is being circulated for his removal. She said she would like to see this item aired at the earliest possible time. Mr. Glasgow may have been misquoted in the newspaper. She asked him for his opinion in the matter. Mr. Glasgow said he feels that the memo he wrote to the Mayor speaks for itself. Ms. McAndrew suggested there be further dialogue on the matter.

4. Carol T. Cohen, President of the Twinbrook Citizens Association. Ms. Cohen said she spoke with quite a few people this past weekend and over the holiday and none saw any reason to question the Mayor's integrity. He has represented the City very well and will continue to do so. It is possible for anyone to have a conflict and anyone who does would naturally abstain from a vote. She would like to see the issue considered for what it is, nothing as major as the press would have it.

There being no other citizen wishing to address the Mayor and Council, the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearing;
Request to create a
parking permit
district on both
sides of Wainwright
Avenue

The Mayor and Council conducted a public hearing on a request to create a parking permit district on both side of Wainwright Avenue and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

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Re: Public hearing: Text Amendment Application, T-53-82, Prudential Insurance Co., Applicant, Special Development Standards in the T-3 zone, to allow site design flexibility.

The Mayor and Council conducted a public hearing on Text Amendment Application, T-53-82, for special development standards in the T-3 zone, to allow site design flexibility, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Resolution: To grant exploratory application, RTH-5-84, for a residential townhouse development on the site of the former Maryvale Elementary School.

Resolution No. 26-84

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, Resolution No. 26-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, granting exploratory application, RTH-5-84, for a residential townhouse development on the site of the former Maryvale Elementary School was adopted by unanimous vote of all present.

Re: Approval of testimony on beer and wine license application for restaurant in Woodley Gardens Shopping Center

It was the Council's feeling that the testimony should stress the positive way in which the developer, the applicant and the citizens association cooperated on this matter. They should be commended and that should be

reflected in the letter. Councilman Duncan suggested that it be mentioned that the operation in Virginia received an excellent report. Mr. Leszkiewicz asked that the City also mention the fact that five other civic associations were invited to the meeting to discuss the license and the West End Civic Association also supports its.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, the Mayor and Council approved the testimony favoring the issuance of a license application for a restaurant in the Woodley Gardens Shopping Center.

Re: Approval of agreement
with Great Pines
Community Association
for purchase of 2.067
acres for storm water
management facility

This is an "Offer of Agreement" negotiated with the Great Pines Community Association, Inc. for the acquisition of 2.067 acres of land needed for a storm water management facility. The acquisition will permit the City to proceed with final design and construction of a regional facility in the stream valley in the Rockingham/Barnside area. The proposed purchase price is \$1,050.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the Mayor and Council approved the agreement for the purchase.

Re: Approval of agreement
with Montgomery
County for exchange
of land for road
improvements

This is an "Offer of Agreement" which, if approved by the Mayor and Council, will provide each jurisdiction with land needed for road improvements. Montgomery County is planning to widen East Jefferson Street. The City, likewise, is planning to widen a section of Twinbrook Parkway. Each project will accommodate Metro related traffic circulation.

The "Offer of Agreement" was prepared by the office of the City Attorney. The Offer has been signed by County Executive Charles Gilchrist on behalf of Montgomery County. Inasmuch as it is in the mutual benefit of both the City and the County to enter into the proposed exchange, it is recommended that the Mayor and Council approve the "Offer of Agreement" with Montgomery County so the exchange of land can be consummated.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the agreement with Montgomery County for exchange of land was approved.

Councilman Tyner asked if he might be provided with a copy of the geometrics on the Chapman Avenue widening.

Re: Work Session with
Historic District
Commission

The Mayor and Council began a work session with the Historic District Commission. Present were Chairman Sue Collett and members Michael Patterson, Howard Metro, Charles Rand, and Bryan Blundell.

During the FY 85 Mayor and Council budget work sessions, the Historic District Commission submitted a request for a General Fund contribution to a rather ambitious Historic Preservation Action Program. The proposed program extends over a two-year period with a cost of \$80,000, half of which would be funded through a matching State grant from the Maryland Historical Trust.

The first year (requested FY 85) totals \$40,000 and would:

- . Produce a survey map of historic properties/resources
- . Produce a two projector audio-synchronized slide show on Rockville's history
- . Document remaining historic district properties on appropriate survey forms

The second year (FY 86) would:

- . Develop a catalog of historic resources
- . Develop a comprehensive historic preservation management plan

The Mayor and Council agreed to provide \$10,000 of the \$20,000 City funding that was requested for FY 85 with the understanding that a work session would be scheduled with the HDC to discuss their request and the program.

The Mayor and Council discussed the Historic Preservation Action program at length with the Commission. Mike Patterson of the Commission showed a film of the opening of the Twinbrook Shopping Center. A discussion was held on the pros and cons of the Action Program considering the staffing level necessary from the Planning Department and the additional funding. Mr. Davis suggested a November beginning with a grant application in October in order to use the balance of the fiscal year and give the Mayor and Council an opportunity to assess the program. It was agreed that a resolution would appear on the Mayor and Council agenda at the next meeting, reflecting the Mayor and Council's support for the program. It will spell out the City's objective and explain the City's position for anyone questioning the intent. The Mayor and Council thanked the Commission for being present this evening.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. R. J. Ferrara, Montgomery County, re CDBG
2. A. McArthur, Montgomery County, Tillie Frank legislation
3. Del. B. Cardin, congratulations on MML award
4. Councilwoman Rogers, Hyattsville, re thank you

5. Lloyd Helt, MBL, re questionnaire

The Council agreed that some thought should be given to these answers. The Mayor asked the City Manager if the staff had any information readily available. The City Manager suggested the staff go through the information and come back with a recommendation to the Mayor and Council. It was agreed this method would be followed. The Mayor stated if the City cannot do it well and benefit Rockville, maybe the task should not be undertaken.

6. Councilman Fosler, re cable television testimony
7. MNCPPC, re Rockville's CIP
8. Maryland DOT re I-270
9. D. H. Hadley, re claim
10. Comptroller Goldstein, re congratulations on MBL award
11. Del. Forehand, re National Trust
12. Maryland Chapter ASLA, re award
13. Crowne Plaza, re thank you
14. Sen. O'Reilly re Sb922
15. J. Griffin, re Rockville Pike moratorium
16. Del. Gordon, re Frostburg College course availability

Re: Information Items

1. Senior Center Newsletter
2. Information re Rockville United Church land sale
3. Copy of letter to Montgomery County from Aldre, Inc., re NXPB

Councilman Tyner asked that this be sent to the Housing Policy Task Force if it hadn't been done so already.

4. Letter to Planning Director from R. Cohen
5. Thank you letter to Burt Hall
6. City Attorney memo re Merson v. Mayor and Council, Dover Road
7. City Attorney memo re Rizkallah v. Mayor and Council
8. Rockville Pike development information
9. Memo from City Attorney re Svenholm

10. Memo from Budget Officer re Twinbrook Elementary School

Re: New business

1. Councilman Abrams noted the information had been received from Artery Organization concerning the survey and he does take exception to the characterization of the City.

2. Councilman Abrams asked why a member of the City's Park Board was not allowed to bid on a contract and do business with the City. He asked the staff to look at the City's Ethics Ordinance since it might be overly restrictive. Also, the section concerning a member of a Board representing a business in dealings with the City. The City Attorney explained some of the provisions of Chapter 15 are mandated by State Law.

3. Councilman Tyner asked the staff to come back with a report to the Council on what the City can do about point source pollution, stack, etc.

4. Councilman Tyner asked when the Fletcher Place application will appear on the agenda. The City Manager said it would be ready for the next meeting. Councilman Tyner asked if the permit parking fees at Hampden area district pay for the service. The City Manager said an analysis will be provided.

5. Mayor Freeland said he watched a show on television last night concerning the restoration of the Statue of Liberty and the effort that will be spent between now and 1986 in achieving that goal. He suggested Rockville step forward with a contribution and contact other municipalities and recommend they do the same. Councilman Abrams noted that sculptor Philip Ratner has been involved in this effort and should be included. The Mayor asked that an article be placed in the City newsletter. Councilman Tyner said he hesitated to tie the project to Mr. Ratner at the present time and suggested the City go ahead with a contribution. The Council agreed and Mayor Freeland instructed the staff to send a letter to the other municipalities in the State asking them to follow the City's lead of spending one cent per capita in a contribution to the restoration.

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the Minutes of Meeting June 11, 1984, Meeting No. 20-84, were approved as amended.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, the meeting was closed for executive session to discuss personnel and land disposition.

Re: Adjournment

There being no further business to come before the Council in executive session, the Meeting was adjourned at midnight to convene again in executive session on Wednesday, July 18, 1984, at 8 p.m. or at the call of the Mayor.